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VIA FEDEX

March 31, 2003

Ms. Rebecca Kane  
Environmental Protection Agency  
Office of Enforcement and Compliance Assurance  
MC 2222A  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

**SUBJECT: ENVIRONMENTAL COMPLIANCE HISTORY ONLINE  
REQUEST FOR COMMENTS**

Dear Ms. Kane:

PSEG Services Corporation, on behalf of PSEG Power LLC and Public Service Electric and Gas Company (collectively PSEG), is pleased to provide the United States Environmental Protection Agency (EPA) with comments on its Environmental Compliance History Online (ECHO) database. We commend the Agency for seeking stakeholder input on the ECHO database effort and we appreciate the opportunity to provide comments. PSEG applauds the Agency's efforts to make environmental information about regulated facilities available to the public. PSEG is a strong advocate for open and public disclosure of accurate and verifiable environmental data.

In a November 20, 2002 Federal Register notice, EPA sought responses to five questions regarding the ECHO database. PSEG's comments mainly focus on the topics of data accuracy and the meaning and usefulness of the information provided in the database. PSEG will address these issues first as we feel they are the most critical components to a credible and usable database. EPA's questions and our responses are as follows:

***For members of the regulated community: A) Were your facility reports accurate?***

PSEG performed data analysis to determine the accuracy of the information contained in the ECHO database for our facilities. In many instances, we discovered errors of varying degrees of significance. In some cases, flaws in the state and federal source databases likely caused these errors. In other instances, the errors were the result of incorrectly aggregating data for a facility from multiple sources of information. In the November 20, 2002 Federal Register Notice, EPA has requested that we refrain from detailing specific data errors in our comments, as the stated purpose for this request for comments was not to correct data errors, but to solicit more general feedback on the ECHO database as a whole. However, we feel it is important to give EPA an understanding of the number and magnitude of errors in the database in its current form. PSEG has attached a list summarizing errors that we have discovered to date (attachment 1). We will also provide several examples of errors here.

Facility	FRS Number	Error(s)
Linden Generating Station	110000869105	► ST Linden Terminal LLC included with Linden Generating Station - This is not a PSEG facility ► \$10,000 fine (Air) should be flagged as a proposed penalty, this has not been finalized
Sewaren Generating Station	110000801614 110000869150	► Station listed twice under two separate FRS numbers ► Database incorrectly reports that we failed to submit DMR's in the 4th Qtr of 2000
Bayonne Generating Station	110007932960	► ECHO Database does not include any information on air permits, despite the fact that Bayonne is a Title V facility

This is not intended to be an exhaustive list of errors, but rather to provide examples of typical errors that we commonly encountered.

PSEG appreciates the Agency's built-in system for reporting and correcting errors, but based on the number and diversity of errors encountered, more rigorous data quality assurance measures need to be implemented. We strongly recommend against publicly releasing a final version of this database until such measures are in place.

One possible way of remedying this situation is to pre-release facility reports directly to the regulated facilities before publishing the reports in the publicly available ECHO database. This way a facility would be notified of any changes to its report and would have the opportunity to review and correct any mistakes before the reports are publicly released. We would also recommend

updating the ECHO database quarterly rather than monthly, as currently proposed. While we understand the Agency's desire to keep the database as up-to-date as possible, monthly updates will make it difficult to verify or correct changes to the database. PSEG alone has over 25 facilities in the ECHO database that would need to be verified monthly. Updating the database quarterly updates will ease the burden of verifying and correcting information on the regulated community, state enforcement agencies and the EPA, and will serve to provide the public with a more credible and accurate source of information that will still be reasonably current. At a minimum, PSEG strongly recommends notifying regulated facilities when their information is updated.

***For members of the regulated community: B) If you did need to submit an online error report, was the error reporting process easy to use?***

PSEG submitted error reports for several of its facilities. These ECHO database errors were based on incorrect information from both state and federal databases. The error reporting process was straightforward and relatively easy. However, this method of correcting errors should be used only as a last resort and should not substitute for a strong data quality review process before the information is publicly released. Furthermore, reported errors were not always corrected. For example, we submitted an error report (No. 4927) stating that a penalty listed in the database should be flagged as a "proposed penalty", since it is still being disputed. This error report was received by EPA and forwarded to the New Jersey Department of Environmental Protection on January 7, 2003. To date, no further action has been taken on this report. Consequently, EPA did not meet its objective to correct all data errors within 60 days. The error correction process needs further revision before the ECHO database is publicly released.

***Does the site provide meaningful and useful information about the compliance and enforcement program?***

PSEG supports the Agency's objective of creating a multimedia database that provides the public with relevant information on a facility's compliance and enforcement history. However, we question why the ECHO database contains demographic information, including population, race and income, for the area surrounding a facility. Simply stated, this database is only intended to provide the public with facility compliance information. The ECHO database includes a disclaimer stating, "no relationship between this information, and other data included in this report is implied". How does the Agency intend for this information to be used? Including demographic information does not appear to further the Agency's stated objectives. The Inclusion of demographic data inappropriately crosses the line between providing unbiased facility compliance information and attempting to further policy objectives related to environmental justice. Furthermore, compliance history is only one aspect of a facility's relationship and impact of any surrounding community. PSEG recommends

removing this information from the ECHO database because it is inappropriate and not relevant to facility compliance and enforcement.

The ECHO website generally provides useful and meaningful information about a facility such as active permits, inspection history and violations. Most of the information is displayed in tables that are straightforward and relatively easy to comprehend. However, the "Two Year Compliance Status by Quarter" section is confusing and difficult to follow. This section overuses color-codes, shading and abbreviations in an attempt to explain the compliance history at a facility by quarter. Some of the abbreviations used in the database are not even explained and others are defined but still unclear. For example, at our Mercer Generating Station (FRS No. 110000582236), the facility report lists "N(RPTViol)" in orange font in the "CWA/NPDES Compliance Status" section beginning in October 2001 through the current quarter. What does RPTViol mean? Our records do not indicate any DMR violations during this period. Furthermore, there is no explanation of what the alleged violation consisted of. Is this an actual permit exceedance, a failure to report a required parameter, or some other type of violation? Is this a single violation occurring in October 2001 that was never resolved or are there new violations for each subsequent quarter. Prior to October 2001, the compliance status is listed as "R(resolved)". What was resolved? This is not an isolated example, but very common in many of our facility reports. It is unclear how the public will use and benefit from this information. The "Compliance Summary Data" and "Formal Enforcement Action" sections of the ECHO database provide a much more straightforward and understandable summary of a facility's compliance history. The "Two Year Compliance Status by Quarter" section does not add any additional useful information. PSEG recommends removing this section from the ECHO database.

***What additional features, content, and/or modifications would improve the site?***

PSEG recommends providing descriptions with enforcement actions. Currently, dates penalty amounts, and the lead-enforcing agency are included on the site, but the actual reason for the enforcement action is not. This information is readily available and would greatly enhance the of the ECHO database. The public would know why enforcement action was taken against a facility rather than just that fact that a facility received a penalty. Furthermore, PSEG recommends that more information be given on the status of penalties. Settle and proposed penalties should be flagged as such and withdrawn penalties should be promptly removed from the database

March 31, 2003

PSEG again thanks the Environmental Protection Agency for the opportunity to provide comments on the ECHO database. We support the public availability of facility compliance history data. However, the information presented needs to be accurate so as to be useful to the public and not cause undue harm to the reputations of regulated facilities. We would welcome the opportunity to work with you in building a database is as accurate, understandable, up to date and comprehensive as possible. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "James C. Hough", with a stylized flourish at the end.

James C. Hough  
Environmental Policy Analyst

## Attachment I

### Examples of ECHO Database Errors for PSEG Facilities

Facility	FRS Number	Error(s)
Bayonne Generating Station	110007932960	► ECHO Database does not include any information on air permits, despite the fact that Bayonne is a Title V facility
Burlington Generating Station	110000582012	► \$400 penalty for air violation was issued in 8/00 not 3/01. Therefore this penalty should not be listed in the database because it is more than 2 years old
Edison Generating Station/Central Gas Plant	110004176695 110000836659	► No air sources listed for generating station - air sources are incorrectly listed under PSE&G Central Gas Plant - Should be all one facility
Hudson Generating Station	110000581861	► 2 EPA inspections on September 17, 2002 and January 18, 2001 do not appear in ECHO Database ► NJDEP Inspection listed for 11/7/2001 actually occurred on 12/7/2001
Linden Generating Station	110000869105	► ST Linden Terminal LLC included with Linden Generating Station - This is not a PSEG facility ► \$10,000 fine (Air) should be flagged as a proposed penalty, this has not been finalized
Sewaren Generating Station	110000801614 110000869150	► Station listed twice under two separate FRS numbers ► Database incorrectly reports that we failed to submit DMR's in the 4th Qtr of 2000
Salem & Hope Creek Generating Stations	110000603142	► A RCRA ID number cancelled several years ago still appears in the database